

In Paragraph 2a of the final Office Action, the Examiner contends that Woolston teaches an agent mode that queries “another consignment node(s) (another directory service agent as current directory service agent) and repeat the step of querying and adding”, citing the passage at column 7, lines 18-23. However, this passage merely says a requesting agent generates an agent communication to each consignment node on the list and begins to establish communications to the other consignment nodes. There is no description of how the communication is established. That is, Woolston does not expressly teach that the other consignment nodes are contacted based on a current directory service agent that is selectively changed such that the nodes are queried one at a time as claimed in independent claim 2. In fact, the language supports that Woolston contacts the other consignment nodes with a broadcast message.

In addition, the passage does not support that Woolston teaches that a current directory service agent is queried for a list of other software agents that match at least one search criterion as claimed in claims 1, 3 and 16. Thus, the cited passage has no relevance to claims 1, 3 and 16.

In Paragraph 2b of the final Office Action, the Examiner contends that the Official Notice emphasizes the word, “selectively”. To support the Official Notice, the Examiner relies on the newly cited 1999 IEEE Section article, URI Directory Service Agent Model for WWW Intelligent Service, Jae-Yong Lee et al., hereafter referred to as Jae-Yong. Jae-Yong uses a Directory Service Agent with a navigator service to find a changed URI of a resource. The navigator searches its local URI repository for a match to the URI in a query message. If found, a reply message notifies the client that a match for the URI is found.

If the URI is not found in the local URI repository, the navigator sends a query message to another navigator of the Directory Service Agent. If not found, an error message is sent to the client. If the other navigator finds a match for the queried URI, the client is notified in a reply message that allows the user to select

the matched URI for access to the resource. The Examiner contends that this procedure is the same as claimed in the last three or four lines of claims 1-3 and 16. For example, claim 3 recites:

“selectively one of terminating the search or selecting, from the list of directory service agents another directory service agent as the current directory service agent, and repeating the steps of determining, querying and adding.”

Jae-Yong merely offers the client one choice, which is selecting the found URI. Jae-Yong offers no opportunity to select between two choices of (1) terminating the search procedure or (2) selecting another directory service agent as the current directory service agent and repeating the steps of determining, querying and adding (i.e., continuing the search) as claimed in claims 1-3 and 16. Jae-Yong automatically extends the search from the navigator's local URI repository to another navigator without offering the client any opportunity to stop the search or continue. In fact, Jae-Yong is performing an exhaustive search of all URI available repositories, those of the navigator and of another navigator. As each repository is searched, no opportunity for terminating the search or continuing is offered to the user. Thus, Jae-Yong does not support the alleged Official Notice concept.

In Paragraph 2c of the final Office Action, the Examiner's discussion of the Official Notice of advantages is confusing the Official Notice statement of advantages with the obviousness statement of conclusion. That is, the phrase, “as selectively ... as taught by the reference” is located in the statement of conclusion of obviousness that begins with “Therefore”. It is submitted that the Examiner is not really taking Official Notice of advantages, but rather is relying on Woolston alone for advantages to support the Official Notice of concept.

In particular, the conclusion of obviousness is that it would have been obvious to modify Woolston to perform “these steps selectively such that the search is carried out to find specific consignment node(s) (directory agent) related to a specific class of goods since a local consignment node user may change participants for agent requests as taught by the reference”. The Examiner has relied upon the agent mode of Woolston for support of the rejection. In the agent mode, Woolston teaches to update its own database of consignment nodes with unknown consignment nodes by reconciling its database with the databases of other known consignment nodes listed in its own database. Woolston also teaches in the agent mode, once its database has been reconciled, to perform an exhaustive search of all the consignment nodes in its database for a particular good. The hits of this search are provided to the user. The user can then decide whether to enter one or more of the other modes to contact a specific node for an auction of the good. There is no suggestion in Woolston’s discussion of the agent mode that the search be performed in a non-exhaustive manner by which the user is given the option of terminating the search after each directory agent is searched for a match or of any advantages thereof.

In Paragraph 2d of the final Office Action, the Examiner notes that hindsight reconstruction is proper if a rejection takes into account only knowledge which was known within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant’s disclosure, citing *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

In the final Office Action, the rejections are based on Official Notice of what is allegedly known by one of ordinary skill in the art at the time the invention was made. However, “common knowledge and common sense’ even if derived from the agency’s [the Patent Office] expertise do not substitute for authority when the law requires authority”. *In re Lee*, 61 USPQ 1430, 1435 (Fed. Cir. 2002). In the final Office Action, the Examiner is relying on non-factual “common

knowledge” (that is not even supported by Jae-Yong) to support the obviousness rejection. Moreover, neither Woolston nor Jae-Yong provide and “teaching, motivation, or suggestion” to combine Woolston and the Official Notice. In re Lee, 1433.

Applicant’s argument’s of non-obviousness, including lack of motivation and hindsight, set forth in the Amendment submitted on May 11, 2004 is fortified by the reasons set forth above in response to Paragraph Nos. 2a-2d of the final Office Action. In addition, newly cited Jae-Yong is directed to the non-analogous art of finding a changed URL in response to a query for the original URL. This has nothing to do with and is remote from the art of searching for particular goods and directory agents in Woolston’s consignment node community. Therefore, Jae-Yong, being non-analogous art, is an improper reference.

For the reasons set forth above, it is submitted that the rejection of claims 1-7, 10, 11, 16-18, 21 and 22 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 8, 9, 12-15, 19, 20 and 23-26 under 35 U.S.C 103(a) as unpatentable over Woolston and Official Notice in view of U.S. Patent No. 6,418,463 to Blevins, hereafter Blevins.

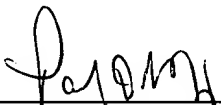
For the reason that the combination system of Woolston and Official Notice does not render claims 3 and 16 obvious for the reasons discussed above, it is submitted that the rejection of claims 8, 9, 12-15, 19, 20 and 23-26 is also erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 103(a) be withdrawn, that claims 1-26 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

Date: 10/18/09

A handwritten signature in dark ink, appearing to read "Paul D. Greeley", is written over a horizontal line.

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